

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARY JANE HORNER,

Plaintiff,

v.

Case No. 11-13175

TRINITY HEALTH-MICHIGAN,

Defendant.

**ORDER TERMINATING AS MOOT DEFENDANT'S MOTION TO DISMISS AND
STRIKING "ANSWER TO COMPLAINT"**

Defendant removed this case from state court on July 22, 2011. On July 29, 2011, Defendant moved to dismiss the complaint. Twenty-one days later, on August 19, 2011, Plaintiff filed an amended complaint twice, first labeling it an "Answer to Complaint" on the docket, and then properly filing it as an amended complaint. The "answer" will be stricken as improperly filed. Defendant's motion to dismiss will be terminated as moot, as the complaint at which it was directed has been amended. See Fed. R. Civ. P. 15(a)(1)(B). The court will await Defendant's response to the amended complaint pursuant to Rule 15(a)(3). Accordingly,

IT IS ORDERED that Defendant's "Motion to Dismiss" [Dkt. # 5] is TERMINATED AS MOOT.

IT IS FURTHER ORDERED that Plaintiff's "Answer to Complaint" [Dkt. # 7] is STRICKEN.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 23, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 23, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522